

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARIO JOSEPH BARDO,  
Petitioner,

v.

KEN CLARK, Warden,  
Respondent.

Case No. 19-00759 BLF (PR)

**ORDER GRANTING EXTENSION  
OF TIME TO FILE OPPOSITION  
TO RESPONDENT'S MOTION TO  
DISMISS; REQUESTING FORMER  
COUNSEL TO FILE NOTICE**

Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 with the assistance of counsel. Recently, the Court granted Petitioner's motion to dismiss counsel of record and reopened the matter to permit Petitioner an opportunity to file an opposition to Respondent's motion to dismiss the petition for failure to exhaust state court remedies. (Docket Nos. 20, 23.)

Petitioner has filed a response stating that he has not received any files from his former counsel and requests the Court order counsel to provide him with all records relevant to this case. (Docket No. 24 at 3.) Petitioner also requests the Court deny Respondent's motion based on his lack of records. (*Id.*)

The Court will grant Petitioner an extension of time to obtain the documents from former counsel Evans D. Prieston and file an opposition. In the interest of justice, the

1 Court requests Mr. Prieston to file notice with the Court that he has provided Petitioner  
2 with all the relevant papers in this matter. The notice shall be filed **within twenty-eight**  
3 **(28) days** from the date this order is filed.

4 In the interest of justice, Petitioner shall be granted an extension of time to file an  
5 opposition. Petitioner's opposition shall be filed **no later than fifty-six (56) days** from the  
6 filing date of this order.

7 The Clerk shall send a copy of this order to Petitioner's former counsel, Mr. Evans  
8 D. Prieston, at the address indicated on the docket, as well as a copy to Petitioner and  
9 Respondent.

10 **IT IS SO ORDERED.**

11 Dated: December 4, 2019



BETH LABSON FREEMAN  
United States District Judge